



COUNCILMEMBER CARL DeMaio

FIFTH DISTRICT


CITY OF SAN DIEGO

MEMORANDUM

DATE: February 3, 2011

TO: Honorable Council Members
City Attorney Jan Goldsmith

CC: Mayor Jerry Sanders

FROM: Councilmember Carl DeMaio 

RE: City Council Action to Prevent Termination of Trash Services

At the Natural Resources & Culture (NR&C) committee meeting on February 2, 2011, the Mayor's Office released a plan to unilaterally terminate trash collection service to approximately 14,200 residences and units.

I strongly oppose this action. Cutting off basic services and imposing a higher cost-of-living on San Diegans should be the last, not first, option selected in our mutual efforts to balance the city's budget. Before trash services cuts are even contemplated, the Mayor and City Council have an obligation to pursue efficiencies such as reforming pensions or implementing managed competition of the trash function.

Under the proposal presented at Committee, the Mayor proposes to terminate dozens of "hold harmless agreements" that were explicitly provided for in the 1986 vote on amending the People's Ordinance. San Diego voters cast votes in that election with the assurance that trash service would continue for units covered under these agreements.

In reviewing the agreements, it appears that the City as an institution (not the Mayor) is the "party" to the agreements. As such, I believe that any decision to terminate these agreements should include a determination by both branches of government.

To clarify what role the City Council can play in this decision, I request that the City Attorney's office provide the City Council with an overview of its legal options for action in this situation as soon as possible.

